

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, April 8, 2004

The regular community meeting of the Detroit Board of Police Commissioners was held on Thursday, April 8, 2004, at 6:30 p.m., at the Harbor Hill Marina, 11000 Freud, Detroit, MI 48214.

ATTENDANCE

Board Members Present

Willie E. Hampton
Arthur Blackwell, II **(ABS)**
Erminia Ramirez
Jim Holley
Megan Norris

Department Personnel Present

Chief Ella Bully-Cummings
AC Walter Shoulders
AC Harold Cureton
DC Gary Christian
Cmdr. Charles Barbieri
Insp. Jamie Fields
Insp. Dwayne McKissic
Insp. Walter Martin
Sgt. Debbie Jackson
PO Ivette Reed
PO Elaine Boone
PO Shelly Eggers
PO John Velasco
PO Terrance Grimes
PO John Nemens
PO Stephanie Harrington
PO Gerald Williams
PO Daniel Mathison
PO Errol Franklin
PO Leo Rhodes
PO Royce Hill
Inv. Roosevelt Tidwell
3rd DC Tara Dunlap

Board Staff Present

Dante' L. Goss, Exec. Director
Denise R. Hooks, Attorney/Supervising Inv. **(ABS)**
Arnold Sheard, Interim Chief Investigator

Ainsley Cromwell, Supervising Investigator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

Star Ellen Carter
Bernice Smith
Mary Lacy
Jerome Hilton
Christopher Garland

RECORDERS

Jerome Adams

1. CALL TO ORDER

Chairperson Hampton called the regular meeting of the Detroit Board of Police Commissioners to order at 6:45 p.m.

Comm. Norris read the duties and the responsibilities of the Board of Police Commissioners.

2. APPROVAL OF MINUTES

♦ Thursday, April 1, 2004

MOTION: **Comm. Norris** made the motion to approve the above Minutes.

SECOND: **Comm. Holley** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Chairperson Hampton read the following:

RESOLUTION HONORING MR. CHRISTOPHER GARLAND

- WHEREAS** Mr. Christopher Garland is a resident and community leader in the city of Detroit; and
- WHEREAS** Mr. Garland is the Program Director of the Jefferson East Business Association (JEBA) and the facilitator of the Clean & Safe Initiatives Program. He has been instrumental in recruiting various municipal entities, community groups, business owners and area residents to participate in the beautification of the East Jefferson area; and
- WHEREAS** Mr. Garland, before coming to JEBA, served as a Beautification Program Specialist at the Warren/Conner Development Coalition. He was responsible for the rehabilitation of abandoned properties into community gardens and parks for residents to enjoy; and
- WHEREAS** Mr. Garland is in his second semester working on his Masters Degree in Urban Planning at Wayne State University; and
- WHEREAS** Mr. Garland, in addition to all the aforementioned activities, finds time to volunteer for the Cityscape Detroit and Preservation Wayne Detroit Advocacy Organizations,

NOW, THEREFORE, BE IT

- RESOLVED** That the Detroit Board of Police Commissioners, speaking for the citizens of the city of Detroit and the Detroit Police Department, acknowledges the generous spirit of Mr. Garland. His unselfishness and dedication to improving the quality of life for all citizens in his community and throughout the city of Detroit merits our highest regards.

We thank and congratulate you, Mr. Christopher Garland.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/ Willie Hampton
Chairperson

/s/Arthur Blackwell
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley

/s/Erminia Ramirez

Commissioner

Commissioner

MOTION: **Comm. Norris** made the motion to adopt the Resolution.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chief Bully-Cummings presented Mr. Garland with a Certificate of Recognition Award on behalf of the Detroit Police Department.

AC Shoulders presented Mr. Garland with the Spirit of Detroit Award on behalf of the Detroit City Council.

Mr. Garland thanked everyone.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

Office Closing

The Board of Police Commissioners and the Office of the Chief Investigator offices will be closed on Friday, April 9, 2004, in observance of Good Friday holiday. Both offices will reopen on Monday, April 12, 2004.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	32	401

2003

During the past week:	12	Year to Date:	312
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****Due to the database system being down, the actual breakdown of figures are not available.****

5. REPORT/PRESENTATION – CHIEF OF POLICE

Chief Bully-Cummings stated it is not very often that we get an opportunity to hail one of our own who was held on a national level. She then read the following memo:

The National Association of Police Organizations (NAPO) has selected Police Officer Royce Hill as an Honorable Mention winner of the prestigious TOP COPS Award. The awards committee from NAPO selects one winning officer from each state, and from these officers the top ten become TOP COPS with the remaining officers receiving an Honorable Mention Award. Officer Hill was selected as the winning representative from the State of Michigan and received his Honorable Mention award at a ceremony on October 11, 2003, in Washington, D.C., at the Lincoln Theater.

Officer Hill was selected because of the outstanding work effort he put forth in the year 2002. During this period Officer Hill as assigned the responsibility of locating and arresting the most violent fugitives in the City of Detroit. Officer Hill was instrumental in, and assisted with the arrest of 53 murders, 41 rapists, 32 armed robbers, and 40 persons for attempted murder during the past year. Most notable was his pursuit of a DeAndre Wilson who was wanted for two murders and the shootings of three other persons. Mr. Wilson fled the state after this crime spree which included the killing of a 71-year old man and a 15-year old girl. Officer Hill traveled to Indianapolis, Indiana in his hunt for this violent fugitive, which produced additional information on his whereabouts. Office Hill utilized media sources and federal agencies to assist him in the pursuit, which lead to the arrest of DeAndre Wilson in Des Moines, Iowa.

Officer Royce Hill's commitment to his duty of removing dangerous felons from the street of Detroit has made our city a safer place to live, work, and visit. This writer recommends that the Detroit Police Department take notice of Officer Hill's receipt of this prestigious award.

/s/RICHARD MCCARTY
Inspector
Task Force Administration Section

Chief Bully-Cummings then presented Royce Hill with the Top Cop Award.

DETROIT POLICE DEPARTMENT

REPORT TO THE
BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and business. This effort is not possible without the joint commitment of the community and the Police Department.

ENFORCEMENT ACTIONS

On March 11 and April 4, 2004, the Narcotics Enforcement Section conducted two (2) enforcement actions within the boundaries of the Ninth and Twelfth Precincts. The enforcement actions resulted in the following arrests and confiscations:

- ◆ 3 Felony arrests
- ◆ 3 Misdemeanor arrests
- ◆ 15.1 Grams of cocaine, 12.5 grams of heroin and 78.1 grams of marijuana – street value \$28,852.00
- ◆ \$767.00 U.S. currency

Additionally, on March 5, 2004, a narcotics blitz operation was conducted within boundaries of the Eighth Precinct. There were a total of 21 enforcement actions, resulting in the following arrests and confiscations:

- ◆ 2 Felony arrests
- ◆ 20 Misdemeanor arrests
- ◆ 13 Adults investigated & released
- ◆ 2 Juveniles investigated & released
- ◆ 39 Grams of marijuana – street value \$156.00
- ◆ 21 Vehicles confiscated

On April 6, 2004, the Vice Section conducted a citywide vice enforcement operation, resulting in the following arrests:

- ◆ 28 Arrests for “Disorderly Conduct – Flagging”
- ◆ 28 Miscellaneous ordinances issued

FIFTH PRECINCT

There was a significant increase of breaking and entering of homes in the Fifth Precinct during the months of January and February of 2002. As a result of an intense investigation, one subject was arrested for “Home Invasion 1 and Home Invasion 2.” This arrest resulted in the closure of 37 home invasion cases.

The Fifth Precinct continued to experience problems with breaking and entering of homes during the months of December 2003 through January of 2004. The Investigative Operations Unit conducted investigations which resulted in the arrest of four subjects for "Felony Home Invasion." As a result of these arrests, 43 home invasion cases were closed.

During the months of September 2001 through December 2001, there was an increase in breaking and entering of motor vehicles and larcenies from vehicles in the Fifth Precinct. The Investigative Operations Unit's investigation resulted in the arrest of one subject for "Larceny Motor Vehicle, Breaking and Entering Motor Vehicle, Receiving and Concealing Stolen Property and Habitual Three." Subsequently, this arrest resulted in the closure of 118 cases involving motor vehicles.

COMMUNITY RELATIONS

AVIATION UNIT

On March 31, 2004, officers of the Aviation Unit, participated in Career Day at Southeastern High School of Technology, located at 2962 Fairview. The presentation consisted of the static helicopter display; the students were allowed to board the aircraft. In addition, information was given regarding the functions and duties of the Aviation Unit and how the aircraft is utilized to assist the department.

MOUNTED UNIT

On April 2, 2004, officers of the Mounted Unit, located at 100 East Bethune, conducted a barn tour for the Girl Scouts of America. The 1 1/2 hour tour consisted of the black smith shop, the leather shop, the hayloft and the horses. Information was provided regarding the types of details worked by the unit and the kind of care required for the maintenance of the horses.

CHIEF OF POLICE ELLA M. BULLY-CUMMINGS

6. PRESENTATION – FIFTH PRECINCT

Cmdr. Charles Barbieri introduced his staff. He also gave a brief history and current status of the Fifth Precinct.

Comm. Ramirez stated I know that you strive for a better attitude as far as services being done at the Fifth Precinct because I know personally that in the Fourth Precinct you strived for it also. I also wanted to say thank you for your commitment and pushing for the new Fourth Precinct.

7. QUARTERLY AWARDS – CORPORATE COMMUNICATIONS

3rd D.C Tara Dunlap presented the following Civilian, Police Officer, and Investigator of the Quarter Awards – October 1, 2003 through December 31, 2003:

➤ CIVILIANS

Fifth Precinct I.O.U.: **Ms. Judith DeRoche**
Risk Management Bureau: **Ms. Lisa Gibson**
Legal Affairs Section: **Ms. Karen Grayson**
Identification Unit: **Ms. Thresa Howze**
Gang Enforcement Section: **Ms. Cheryl Hunter**
Aviation Unit: **Mr. Jeffrey Kilcline**
Emergency Communications Division: **Mr. John Schikora**

➤ POLICE OFFICERS

First Precinct: **Lisa Belton**
Second Precinct: **Shelly Eggers**
Third Precinct: **Leo Rhodes**
Fourth Precinct: **Patrice Williams**
Fifth Precinct: **Stephanie Harrington**
Sixth Precinct: **Rosemary Hamilton**
Seventh Precinct: **John Velasco**
Eighth Precinct: **Terrance Grimes**
Ninth Precinct: **Demerick Richardson**
Tenth Precinct: **Daniel Mathison**
Eleventh Precinct: **Terrance Devoe**
Twelfth Precinct: **John Nemens**
Thirteenth Precinct: **J.B. Lawson**
Tactical Services Section: **Errol Franklin**

➤ INVESTIGATORS

Tenth Precinct I.O.U.: **Inv. Roosevelt Tidwell**
Eleventh Precinct I.O.U.: **Joseph Roca**
Narcotics Enforcement Section: **P.O. Gerald Williams**

Lt. Roosevelt stated I would like to share some information about Police Officer Elaine Boone. She is a 17 year veteran with the Detroit Police Department, she has worked at the Tenth Precinct, Thirteenth Precinct and Crime Analysis, she currently works at our Testing and Administration group at Recruiting, which requires her to interface with the Medical Section and she sets up physicals and medical examinations for new police recruits. She does an outstanding job. She comes to work early and leaves late. I am very proud of her.

8. GENERAL ORDER DISCUSSION – PLANNING & ACCREDITATION

➤ Directive 303.4 (Foot Pursuit)

Insp. Jamie Fields gave a brief overview on what the Foot Pursuit policy is. The reason why we created the Foot Pursuit Policy is two fold: 1). It is something that we agreed to because of the Use of Force Consent Decree and 2). Best practice.

One of the most dangerous tasks that many officers endeavor is a foot pursuit. Researchers show that it involves all sorts of danger. It is very few policies in the whole country on foot pursuits and there is probably a handful in the whole entire country. We are very proud of this policy and we think it covers exactly what we need to cover. We look for a variety of areas; we look for a policy that requires officers to consider what factors are to be considered in a pursuit. We also look at alternatives to foot pursuits, such as area containment and using other resources. Sometimes, the most prudent action is to stand back and wait for reinforcement and do area containment. With all of our policies, it is required that we continue to have community forums like this. Both consent decrees mention that we continue to make policies available to the community. Some of the staff from Planning and Accreditation did presentations regarding this policy to students at Mumford High School and Cooley High School.

Comm. Norris asked were you able to get any input from outside our department or outside our community regarding other policies that has worked or have not worked?

Insp. Fields stated yes. We have looked at Cincinnati policies in regards to foot pursuits. We also looked at the IACP policy; they have a model policy on foot pursuits. When the policy was first initially, I also emailed it to all of the executives in the department. I did receive some very good feedback from people that are in the operations field, as far as things that we need to change and we did make those changes before it came to you.

Comm. Norris asked did we have any policies in the past that covered foot pursuits?

Insp. Fields stated we had policies on how to deal with certain things in regards to foot pursuits, for example, if you needed the K9 Unit, Arial support, how to deal with dispatch. But nothing as far as specifically the dangerous of whether to do it or not, when to terminate it or what factors to consider.

Comm. Norris stated I think that this is a really thorough policy and I am really pleased with it. This may or may not be the right place to have it, but as I have said, one of my big concerns is that when something goes wrong (mainly shootings), we don't back track enough to see what happened along the way and see what might have been preventable along the way. One thing that would be important to me is that it is clear, in this policy, that an officer would not be discipline for deciding not to pursue, which I think is good. I think it also needs to be clear that there can be discipline if an inappropriate pursuit is taken, so that there is an incentive to think twice. There would also be discipline perhaps, most importantly, if the communications of this policy is not followed. Because as we know from at least our car pursuits, there are many pursuits undertaken with no radio call until long into the pursuit, which makes it hard for a supervisor to know what to do. I don't know whether given the format of our policies, whether it is appropriate to have it here. We lost an officer not to long ago which under this policy, the pursuit would not have been undertaken. That officer wasn't in violation of any policy because there was no policy. I think it is very important that we stress that it is not just you won't be penalized if you decide not to, it's that you can't undertake a pursuit based on this policy the risks factors clearly would outweigh the merits of the pursuit.

Insp. Fields stated we did look at not only in this city, but throughout the country for instances that had happened with officers...and we tried to develop a policy based on not only on...

Comm. Norris stated I think these are the factors, I think that this addresses a lot of the right risks factors and a lot of alternatives. I think the important think is that as this is being communicated and as our officers are being trained on this, that there is a clear understanding that you have an option to say no, but there may be a time when you are required.

Insp. Fields stated that is to a larger extent of training and we will get with the Training Bureau and work on that.

Comm. Norris asked is this a policy that is required to go to DOJ before it goes to the Monitor?

Insp. Fields stated no, it is not.

Comm. Norris asked has DOJ or the Monitor reviewed the policy at this point?

Insp. Fields stated no.

Chief Bully-Cummings stated the ones that do not require the review and approval of the Department of Justice, we send them a courtesy copy, but you won't get back an approval.

Comm. Norris asked is this policy in the form that should we pass it and anticipate this going forward or does it still have more iteration's yet to go?

Chief Bully-Cummings stated based upon the language in the consent decree, we could argue against that. We could invite their comments, but once they start going outside of the four corners and trying to mandate something that is not required by the decree, then we will stand up against that.

Comm. Norris stated that also holds up our process.

Comm. Ramirez asked what are other alternatives?

Insp. Fields stated disengagement, waiting for backup and etc.

Comm. Holley stated my concern is that the community really knows what the policy is, you are asking people in this audience to make a comment about something was basically was generally described and not specifically told.

Comm. Norris stated in the past we had asked that draft copies be available. I do think it is helpful to outline what the policy is.

Comm. Holley stated sort of like a 90-second nutshell, so that people would have an ideal of what the policy is about.

Insp. Fields stated we normally bring policies here, but it is posted on the DPD website if anyone wants to view it.

Comm. Norris stated some people don't have access to the website, so that is why we asked for draft copies to be available to the public.

Insp. Fields gave an overview on what the policy encloses, it basically includes a set of particular facts and circumstances, such as officers are to consider whether to continue or terminate a pursuit. Such as area familiarity, lighting conditions, we highlight specific dangers, such as, running with your weapon out, unless you know that it is a specific type of situation because it creates an imbalance. First we go through risk factors, for example, officers acting alone are prohibited from pursuing someone, unless it depends on the circumstances. They are supposed to keep someone in observation distance and call for backup. Area Familiarity, whether a suspect is armed or not, whether you are chasing more than one person, if you have available backup. Officer Fitness Level - many times the officer is running with a coat on and carrying a prep radio and sometimes the officers' fitness level will determine if they can continue the

pursuit. Communications - if at any time we lose radio communications, officers have to terminate a pursuit. We also have to consider ways to prevent or avoid pursuits.

Chairperson Hampton stated we will make sure that we will have draft copies of the policy available at the next discussion.

Comm. Norris stated the members of the public who have comments can send those to us in a variety of ways, such as pulling us aside, writing us or etc. This will be kept open for at several weeks so that people have an opportunity to do that as we move forward.

9. OTHER BUSINESS

Comm. Holley stated my concern is with comments being made in the papers by the Prosecutors Office, City Council and etc. I was wondering if my colleagues feel that there should be some responsibility on our part that perhaps we could ask the Chief or whoever the Chief designates that there ought to be some type of anti-crime summit of substance sponsored by this Board with the police department. I was at the prayer piece that we had the other day and I know from experience that you need some work with prayer.

Chairperson Hampton stated we certainly concur wholeheartedly. We have been talking about having a summit with the community, the Mayor's Office, City Council, the police department and the Board of Police Commissioners. We should also evaluate our strengths, weaknesses, opportunities and our threats. We would like to appoint a subcommittee along with Dante' Goss and we would like for you to co-chair that committee Comm. Holley and whatever support that you need we will be willing to help you 100% and hopeful Chief Bully-Cummings will assign someone to that committee also.

Chief Bully-Cummings stated I think everyone needs to understand that as we do this and go forward, we need to take the blinders off a little bit. This is an issue that is occurring across this country, unfortunately we have the type of media that reports exaggerate and give erroneous information and it becomes a front page story. I do agree with you because it is going to take the police and the community working together to stop this senseless violence.

10. ORAL COMMUNICATION FROM THE AUDIENCE

Star Ellen Carter asked a couple of weeks ago I took my daughter to the skating rink on Schoolcraft and on the corner there was a young man who pulled himself out of his pants, a drunk was on the corner, and fight. She

asked could more officers provide more safety at recreation center's where children are present?

Bernice Smith asked is there a new recruit class coming out, so that they could help in the neighborhoods. She commended Chief Bully-Cummings for holding the Prayer services. She also stated the community needs to help the police more often to help make a difference in this city.

Mary Lacy stated I was informed that my complaint was completed regarding Kenneth Crawford, badge 38. However, as of April 8, 2004, I have not received any mailing of this investigation. The 22 tickets issued by Mr. Crawford is a pattern and practice of writing false police reports and tickets to justify his misconduct.

Chairperson Hampton asked Ms. Lacy, did you make a complaint with the Office of the Chief Investigator?

Comm. Norris stated yes, she did. After she came to us it was reviewed to make sure that it was thorough and had the additional closures.

Jerome Hilton stated I was arrested on October 17, 2001, and the charges that I received were domestic violence aggravated, UDAA, assault with a deadly weapon. I filed a complaint with Lt. Lawrence, badge L-280, but he never filed it. I talked with the Chief Investigator Office and I was told that the worst that could happen to these people would be that they would lose their job and that I should go to Internal Affairs, Sgt. Robert Winkler, Lt. Holmes and Lt. Stairs and until this day I have not received an answer. I was strangled and beaten in the back garage of the Fourth Precinct, while officers were coming and going.

Comm. Norris stated the activities that you discussed sound like criminal conduct. To my understanding, if the allegation sounds like criminal conduct, then that gets referred to Internal Affairs. She asked do you know if Internal Affairs is investigating your complaint or not?

Mr. Hilton stated I filed it with Lt. Lawrence and when I called back five months and they had no record of it and I was to go back to Internal Affairs and re-file my complaint.

Comm. Norris stated so you don't even know if it is being investigated?

Mr. Hilton stated it doesn't even have a docket number or a case file.

Comm. Norris stated that is something that the Office of the Chief can help you with. I don't think that OCI will be investigating the underline issue of whether crimes were committed against you, but the issue of whether your

case is being investigated is something that we can help you with. She also advised Mr. Hilton to speak to Interim Chief Investigator Sheard after the meeting. She asked Chief Bully-Cummings what is the procedure if an officer who is alleged of certain criminal convictions may no longer be valid convictions.

Chief Bully-Cummings stated if you are referring to the officers that were indicted from the Fourth Precinct, I believe that the Prosecutor's Office is taking a look at closed cases involving these officers and then it will stem from there.

Comm. Norris asked would the Prosecutor would reevaluate them to determine if there still seems to be adequate evidence or not and if not then appropriate action would be taken.

Chief Bully-Cummings stated yes. She asked Mr. Hilton to speak with DC Willie Burden from the Professional Accountability Bureau after the meeting and I will have him to take a look at your complaint and ascertain the status of your case.

11. ANNOUNCEMENT OF NEXT MEETING

Thursday, April 15, 2004, @ 3:00 p.m.
Police Headquarters, Rm. 328-A
1300 Beaubien
Detroit, MI 48226

12. ADJOURNMENT

Meeting was adjourned at 8:07 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw